

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

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OFFICE OF ECOSYSTEMS, TRIBAL AND PUBLIC AFFAIRS

February 2, 2015

Naval Facilities Engineering Command Northwest Attention: Ms. Kimberly Kler, NWTT EIS/OEIS Project Manager 1101 Tautog Circle, Suite 203 Silverdale, Washington 98315-1101

Re:

U.S. Environmental Protection Agency comments on the U.S. Navy's Northwest Training and Testing Supplement to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement. EPA Project Number: 12-0016-DOD.

Dear Ms. Kler:

We have reviewed the Navy's Northwest Training and Testing Supplement to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (Supplement). Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the Supplement prepared for the proposed action considers expected environmental impacts and the adequacy of the EIS in meeting procedural and public disclosure requirements of the NEPA.

## **Project Summary**

The Navy's Northwest Training and Testing EIS/OEIS analyzes the potential environmental impacts that could result from current, emerging, and future training and testing activities in the Northwest Training and Testing Study Area. The NWTT Study Area is composed of established maritime operating areas and warning areas in the eastern North Pacific Ocean. The NWTT Study Area includes: four existing range complexes and facilities: the Northwest Training Range Complex, Naval Undersea Warfare Center Keyport Range Complex, Carr Inlet Operations Area, and Southeast Alaska Acoustic Measurement Facility; the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska; air and water space within and outside Washington state waters; air and water space outside state waters of Oregon and Northern California; and, Navy pier-side locations where sonar maintenance and testing occur.

The Navy determined that a Supplement to the Draft EIS/OEIS was warranted for two reasons. First, one activity, known as Tracking Exercise (TRACKEX) – Maritime Patrol (Extended Echo Ranging Sonobuoys), is revised, resulting in a substantial change to the type and number of sonobuoys used. Second, new information relevant to air quality emissions of inland water vessel movements associated with Maritime Security Operations (MSO) warrants further consideration.

# Environmental concerns and rating

We are rating the Supplement Environmental Concerns – Adequate, "EC-1". This is the same rating we provided for the January 2014 Draft EIS/OEIS. Our rating has not changed because our concerns about

adverse effects to marine mammals, including Endangered Species Act listed marine mammals, remains. In fact, our concerns have increased because the numbers of predicted effects to some marine mammals will increase as a result of changes in the Proposed Action. Rather than exposing marine mammals to 24,199 instances of Level B harassment from the use of sonar and other active acoustic sources, the Supplement's Proposed Action increases Level B harassment exposure to 107,062 times. To address this ongoing environmental concern, we reiterate our recommendation that the Navy continue to pursue the development of a well-designed mitigation and monitoring program in coordination with the National Marine Fisheries Service.

# Marine debris and military expended materials

Marine debris is one of the most widespread pollution problems currently facing the world's oceans and waterways. While we appreciate that the probability of military expended materials striking marine mammals or sea turtles under all of the alternatives is very low, less than .00025 percent per year, as well as the Navy's efforts to understand and disclose the impacts of metals in military expended materials in the marine environment – we are concerned about the increased number of expended sonobuoys under changes to the proposed action. To address our concern about adding to the marine debris problem, we recommend that the Final EIS/OEIS consider including sonobuoy retrieval. We would also encourage consideration of additional mitigation options such as participation in the National Marine Debris Monitoring Program.

# **Cumulative impacts**

Climate change

On December 18, 2014, the Council on Environmental Quality (CEQ) released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emission and climate change in the NEPA reviews.<sup>2</sup> The revised draft guidance addresses comparisons of greenhouse gas emissions from individual agency actions to total greenhouse gas emissions.

CEQ recognizes that many agency NEPA analyses to date have concluded that GHG emissions from an individual agency action will have small, if any, potential climate change effects. Government action occurs incrementally, program-by-program and step-by-step, and climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, including decisions made by the government. Therefore, the statement that emissions from a government action or approval represents only a small fraction of global emissions is more a statement about the nature of the climate change challenge, and is not an appropriate basis for deciding whether to consider climate impacts under NEPA. Moreover, these comparisons are not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations.<sup>3</sup>

With this revised draft guidance in mind, we are concerned that the Draft EIS/OEIS's and Supplement's greenhouse gas analysis focuses on comparing the proposed action's greenhouse gas emissions to total U.S. greenhouse gas emissions - "Even though emission from the Proposed Action increase

<sup>&</sup>lt;sup>1</sup> Supplemental Draft EIS/OEIS, p. 3-18

<sup>&</sup>lt;sup>2</sup> Council on Environmental Quality. Guidance on Considering Climate Change in NEPA Reviews. Dec 2014. Print.

<sup>&</sup>lt;sup>3</sup> Council on Environmental Quality. Guidance on Considering Climate Change in NEPA Reviews. Dec 2014.Print.

significantly, as a result of modifications to the activities, the contribution to the total remains insignificant<sup>74</sup>.

To improve the greenhouse gas analysis, we recommend that the Final EIS/OEIS focus on how the proposed action meets applicable Federal, state, tribal or local goals for greenhouse gas emission reductions. The revised draft guidance encourages agencies to provide greenhouse gas goals as a frame of reference.

Finally, when discussing GHG emissions, as for all environmental impacts, it can be helpful to provide the decision maker and the public with a frame of reference. To provide a frame of reference, agencies can incorporate by reference applicable agency emissions targets such as applicable Federal, state, tribal, or local goals for GHG emission reductions to provide a frame of reference and make it clear whether the emissions being discussed are consistent with such goals. <sup>5</sup>

Key applicable goals are already identified in the Draft EIS/OEIS - consider Executive Order 13514's 34 percent reduction by 2020 target for the Department of Defense, Executive Order 13423's energy intensity goals, the Navy's Climate Change Roadmap, the Incentivized Energy Conservation Program, NAVSEA's Fleet Readiness, Research and Development Program, as well as the "great green fleet". Given broad policy direction to reduce greenhouse gas emissions we are interested in the specific actions entities within the NWTT's four existing range complexes are taking to address greenhouse gas emissions, consistent with broad policy direction. We believe additional focus on how the action alternatives, and/or Navy actions in the project area, will contribute to meeting greenhouse gas goals will lead to a more meaningful analysis than comparisons of project greenhouse gas emissions to U.S. totals.

# Air quality

We recommend that the information in Supplement section 4.1 Air Quality be edited for clarity and accuracy.

The incremental contribution of Alternatives 1 or 2 to cumulative impacts may be low, but it is not - as the Draft and Supplemental Draft EIS/OEISs explain - because air emissions sources are mobile sources, there are few stationary offshore air pollutant emission sources, or commercial shipping vessels are switching to lower-sulfur fuel.

Mobile sources do impact attainment status because attainment status is determined by measuring atmospheric concentrations of air pollutants at a particular time and location, air pollution relevant to attainment status comes from both mobile and stationary sources. The fact that there are few stationary sources offshore is not a reason why the action alternatives have a low incremental contribution to air pollution; instead, it is only a reason why there is a low contribution of air pollution from stationary sources. With regard to international regulations by the International Maritime Organization, we recommend that the Final EIS/OEIS address the applicability of new low sulfur fuel requirements for Navy vessels.

# Marine mammals

<sup>&</sup>lt;sup>4</sup> Supplemental Draft EIS/OEIS, p. 4-1

<sup>&</sup>lt;sup>5</sup> Council on Environmental Quality. Guidance on Considering Climate Change in NEPA Reviews. Dec 2014. Print.

We are concerned about the Draft and Supplemental EIS/OEISs' characterization of cumulative impacts to marine mammals. The conclusion that the Alternatives' relative contribution to cumulative impacts on marine mammals is "...low compared to other actions" is a description of the nature of cumulative impacts more than an analytical tool for understanding and disclosing the significance of an impact. We believe that a more helpful tool would be to provide a frame of reference, such as an applicable national goal or regulation. In the case of marine mammals, consider using applicable thresholds from the ongoing coordination with NMFS for Marine Mammal Protection Act incidental take authorizations as a frame of reference for determining the significance of the action alternatives' incremental contribution to cumulative effects.

Thank you for this opportunity to comment and if you have any questions please contact me at (206) 553-1601or by electronic mail at <a href="mailto:reichgott.christine@epa.gov">reichgott.christine@epa.gov</a>, or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at <a href="mailto:peterson.erik@epa.gov">peterson.erik@epa.gov</a>.

Sincerely,

Christine B. Reichgott, Manager

Mister B. Heichjott

Environmental Review and Sediment Management Unit

## Enclosure:

1. EPA Rating System for Draft Environmental Impact Statements

<sup>&</sup>lt;sup>6</sup> Supplemental Draft EIS/OEIS, p. 4-4

# U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action\*

#### **Environmental Impact of the Action**

#### LO - Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC - Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

## **EO - Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

## EU - Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **Adequacy of the Impact Statement**

#### Category 1 - Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2 - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

#### Category 3 - Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.